

Info@starklawlibrary.org

Stark County Law Library Association

January 2007

BEGINNERS Civil Rights Litigation Clearinghouse

**The email address,
info@starklaw
library.org really
works! TRY IT!!**

The Civil Rights Litigation Clearinghouse at the Washington University School of Law is “a collection of documents and information about civil rights cases in selected case categories across the United States.”¹ Located at <<http://clearinghouse.wustl.edu/>> it currently addresses the following categories:

- Child Welfare,
- Disability Rights,
- Election/Voting Rights,
- Immigration,
- Jail Conditions,
- Juvenile Institution,
- Mental Health Facility,
- Mental Retardation Facility,
- Nursing Home Conditions,
- Police Non-Profiling,
- Police Profiling,
- Prison Conditions,
- Public Housing,
- School Desegregation.

For each category, the goal is a close-to-comprehensive catalog of cases which are injunctive rather than damages litigation, in which plaintiffs have been

awarded or have negotiated policy or operational change.²

Over the past 50-plus years, civil rights litigation has greatly affected Americans' lives. It has secured our constitutional rights. And it has dramatically improved many of our public and private institutions, among them government organizations, schools, prisons, mental health facilities, police departments, child welfare agencies, and large and small employers.

Consider the landmark decision in *Brown v. Board of Education*, which outlawed racial segregation of public education, transforming American schooling, politics, and life.³

Although the case began in 1951 and continued through 1999 and was the subject of eleven reported opinions, including two from the Supreme Court, there are no details of the actual desegregation plan, nor is there mention of the court's determina-

(Continued on page 2)

**The Civil
Rights Litigation
Clearinghouse is
attempting to
address the
information void
for all types of civil
rights litigation.**

BEGINNER Civil Rights Litigation (Cont.)

(Continued from page 1)

tion that by 1961 the school mention of the court's determination that by 1961 the school district had substantially complied with the plan. "Even in this uniquely high profile and important case, the judicial opinions accessible via print or on-line

publication do not capture close to the entirety of what interested observers would want to know about the litigation." ⁴

The Civil Rights Litigation Clearinghouse is attempting to address this information void for all types of civil rights litigation.

INTERMEDIATE

BlawgSearch

With the number of legal blogs now topping the one thousand mark and growing every day, it is time to feature a search engine devoted to legal blogs (or blawgs). At Justia's BlawgSearch <<http://blawgsearch.justia.com/#>> searching is by simple keyword and the results offer plenty of information, including summary, title, author, date of post, the name and URL of the blog. There is also a keyword-based RSS feed available. ⁵

Their home page starts with a list of the ten most popular legal blogs and defaults to "This Week," but you can select from "Today," "This Month," or "All Time." By clicking on "More" you can get the top twenty most popular blogs. Next to the most popular list is a colorful array of over 50 of the most recent search terms in alphabetical order.

The second section of the home page consists of a listing of their 44 categories with the

(Continued on page 3)



At the top of the page is a link to “Suggest a Blawg,” why not add your firm’s blog to the list!

INTERMEDIATE

BlawgSearch (Cont.)

(Continued from page 2)

number of blogs that make up each category. The largest categories include:

- Intellectual Property Law (92),
- Law Professor (89),
- Business Law (66),
- Legal Information (59),
- Injury and Accident Law (58),
- Law Practice (56),
- Criminal Law (53),
- Trials and Litigation (48),
- Legal Marketing (38), and
- Family Law (38)

There are also links to the blogs broken down by state and country. Our own Stark County

Law Library Blog <<http://temp.starklawlibrary.org/blog/>> is the most popular Ohio blog this week, but there were only three other competitors. Next to this list you will find the “Blawg Post Tags” given to most posts by their authors.

At the bottom of the page is a list of the seven most recent posts, that is expandable to include the next twenty posts and a brief profile of a featured blawger.

At the top of the page is a link to “Suggest a Blawg,” why not add your firm’s blog to the list!



ADVANCED

Retention Policy

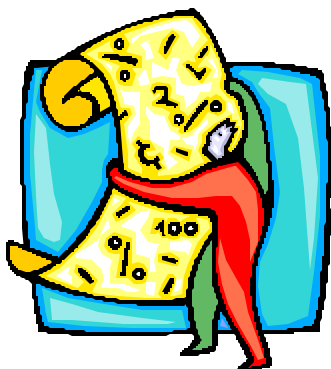
If you remember back to November’s column, two of the four main points of the new amendments to the Federal Rules of Civil Procedure are:

- Clients must preserve and produce ESI (Electronically Stored Information)

- Lawyers must understand how to request, protect, review and produce ESI ⁶

To be in compliance with these points, all (firms and clients alike) MUST have and enforce a

(Continued on page 4)

ADVANCED**Retention Policy (Cont.)**

(Continued from page 3)

written Digital Document Retention Policy. If you need more incentive, consider these points:

- An established protocol can lessen your clients liability should they be implicated in a lawsuit.
- It puts your client in a position to easily access data that might be exculpatory, or at least supportive of the company in defense of a claim.
- It implies litigation readiness that may help you settle on more favorable terms or be in a better position to try your case.⁷

The three key components of a digital document retention policy are:

- What to keep
- For how long
- A “go to” person in charge of compliance

...given the ease at which potentially needed electronic data can be stored, searched, and preserved relative to reams of paper documents, the default corporate position should be, when in doubt, retain electronic data rather than purge it.⁸

Considering the amount of email and instant messaging that most organization produce daily, some sort of customizable filtering software should be considered that would automatically retain one copy of ESI which contains sensitive keywords or phrases in a central location and eliminate duplicates and routine notices.

An organization might also wish to copy and retain copies of certain file types, depending on the nature of their business. For example, a high tech manufacturer who creates potentially patentable designs might want to retain all Acrobat PDF files or other graphics-oriented documents that might contain design information, should a patent-infringement oriented matter surface.⁹

“A good digital document retention policy is, of course, only as good as the method in which it is implemented.”¹⁰ For compliance guidelines, please refer to the article by Paul French “Electronic Document Retention Policies (And Why Your Clients Need Them)” listed in the footnotes below.

(Continued on page 5)

ADVANCED**Retention Policy (Cont.)**

(Continued from page 4)

The following examples of digital document retention policies, as well as serving as a guide will also provide you with some suggested retention periods. A Record Retention Policy for a non-profit organization can be found at <[http://www.](http://www.nonprofitlaw.com/retention.shtml)

[nonprofitlaw.com/retention.shtml](http://www.nonprofitlaw.com/retention.shtml)>, and an Email Retention Policy at: <http://72.14.203.104/search?q=cache:V7jYj9640roJ:www.sans.org/resources/policies/email_retention.pdf+%22retention+policy%22&hl=en&gl=us&ct=clnk&cd=6>.

FOOTNOTES

- ¹ “What is the Clearinghouse?” Civil Rights Litigation Clearinghouse. 2006. Washington University in St. Louis School of Law. 1 December 2006. <<http://clearinghouse.wustl.edu/about.php>>.
- ² Murley, Diane. “Civil Rights Litigation Clearinghouse.” Law Dawg Blawg. 24 November 2006. Blogger. 1 December 2006. <<http://lawdawglib.blogspot.com/2006/11/civil-rights-litigation-clearinghouse.html>>.
- ³ “New Civil Rights Litigation Clearinghouse.” Washington University of Law. Washington University in St. Louis School of Law. 7 December 2006. <<http://law.wustl.edu/news/index.asp?id=5094>>.
- ⁴ Margo Schlanger and Denise Lieberman, Using Court Records for Research, Teaching and Policymaking: The Civil Rights Litigation Clearinghouse, 75 UMKC L. Rev. 153 (2006)
- ⁵ Calishain, Tara. “Search Engine for Legal Blogs Only.” ResearchBuzz. 19 November 2006. 12 December 2006. <<http://www.researchbuzz.org/wp/2006/11/19/search-engine-for-legal-blogs-only>>.
- ⁶ Ball, Craig. “Hitting the High Points of the New e-Discovery Rules.” Law Practice Today. October 2006. American Bar Association. 15 December 2006. <<http://www.abanet.org/lpm/lpt/articles/tch10061.shtml>>.
- ⁷⁻¹⁰ French, Paul. “Electronic Document Retention Policies (And Why Your Clients Need Them)”. Law Practice Today. January 2004. American Bar Association. 15 December 2006. <<http://www.abanet.org/lpm/lpt/articles/ft01045.html>>.

By Nancy Stinson, MLS
nancy@starklawlibrary.org